

REMARKS

The Applicants and their attorney have fully considered the election/restriction requirement mailed on October 5, 2004. The Examiner asserts that restriction to one of the following inventions is required under 35 U.S.C. §121. Namely, it is asserted that Group I comprises claims 1-9 drawn to an optical debris analysis fixture, classified in class 356, subclass 335; and that a second group of claims, claims 10-14, are drawn for a fixture for imaging particles classified in class 356, subclass 244. It is asserted that these inventions are related as combination and subcombination according to the parameters set out in MPEP §806.05(c).


The Applicants and their attorney have carefully considered the subject matter of the claims and the restriction requirement and respectfully request entry of amendments to independent claims 1 and 10 such that they are no longer considered distinct from one another as far as classification. In particular, the preamble of claim 1 now sets forth "An optical debris analysis fixture for imaging debris passing through an optical flow cell." The preamble for independent claim 10 now sets forth "An optical debris analysis fixture for imaging debris passing through an optical flow cell." Based upon these amendments, it is respectfully submitted that the restriction requirement is moot and that all claims should be examined together.

In the event the restriction requirement is maintained it is respectfully requested that claims 10-14, Group II, be examined and that claims 1-9 be withdrawn from consideration.

Should the Examiner have any further questions or comments as suggestions for placing the claims in better form for allowance, a telephone call to the undersigned attorney would be greatly appreciated.

Application No.: 09/923,973
Amendment dated: 11/4/04
Reply to Office Action of October 5, 2004

Respectfully submitted,



Andrew B. Morton, Reg. No. 37,400
Renner, Kenner, Greive, Bobak, Taylor & Weber
First National Tower - Fourth Floor
Akron, Ohio 44308-1456
Telephone: (330) 376-1242
Facsimile: (330) 376-9646
E-mail: morton@rennerkenner.com

Dated: 11/4/04

Attorney for Applicants